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JUAN JUAN
HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON CT 06484-6212

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AUG 12 2008

In re Application of :
Esko Alanen et al. :
Application No. 10/670,144 : ON PETITION
Filed: September 23, 2003 :
Attorney Docket No. 881B.0006.U1 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2008, to revive the above-identified application.

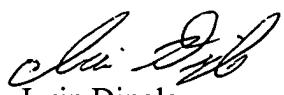
The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 17, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two (2) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is September 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$770.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3736 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



Irvin Dingle
Petitions Examiner
Office of Petitions

Application No: 10/670,144

Date: 8/5/08

CHECKLIST - PETITION TO REVIVE (UNINTENTIONAL) 37 CFR 1.137(b)

Petition under 37 CFR 1.137(b) requires:

1. Petition fee;
2. Reply and/or issue fee;
3. Terminal disclaimer with disclaimer fee - utility and plant filed before 6/8/95 and all design cases;
4. Statement that the entire delay was unintentional.

Petition Date: 1/28/08

Petition Fee: \$770/SM \$1540/LG Not Paid

Is statement of unintentional delay present? YES NO (Can statement be construed as unintentional?)

Is petition signed by attorney of record? YES NO Petition address the same as address in palm. YES NO

Mail Date of Office Action:

4/17/2007

Type of Office Action:

Final Office

Statutory Response Period Set: 30 days 1 month 2 months 3 months

Ext of time obtained w/in SSP: None 1 month 2 months 3 months 4 months

Abandonment Date:

July 18, 2007

Type of reply received:

RCS

Terminal Disclaimer required: YES NO (utility applications filed after 6/8/95 or before 5/29/00 and all design applications)

Petition Decision Codes

502

502 - 37 CFR 1.137(b) Revival based on unintentional delay in abandon application

510 - 37 CFR 1.137(b) Revival to accept late payment of issue fee (unintentional)

Fee Codes

1453/2453

\$1540/\$770

502/510 Petitions

Paralegal: Johne

DAG:07/07

Dismissed

Granted



RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 10670144

Total Records Found: 7

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
01/29/2008	00000009	1	<u>2453</u>	\$770.00	01/28/2008	CK
01/29/2008	00000010	1	<u>2801</u>	\$405.00	01/28/2008	CK
09/20/2007	00000139	1	<u>2252</u>	\$225.00	09/20/2007	CK
01/25/2007	00000008	1	<u>2251</u>	\$60.00	01/25/2007	CK
05/20/2004	00000001	1	<u>2051</u>	\$65.00	05/19/2004	CK
05/20/2004	00000031	1	<u>8021</u>	\$40.00	05/19/2004	CK
10/01/2003	00000065	1	<u>2001</u>	\$375.00	09/23/2003	CK

Correspondence Address for 10/670144

Customer Number	Contact Information	Address
29683 Delivery Mode: Paper	Telephone: (203).92-5.94 Fax: (203).94-4.02 E-Mail: PATENT@HSPATENT.COM	HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON CT 06484-6212

[Appn Info](#)[Contents](#)[Petition Info](#)[Atty/Agent Info](#)[Continuity/Reexam](#)[Foreign](#)Search Another: Application # or Patent# PCT / / or PG PUBS # Attorney Docket # Bar Code #

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DAC/Kew
JF

PTO/SB/64 (01-08)

Approved for use through 01/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
881B.0006.U1(US)

First named inventor: Alanen et al.

Application No.: 10/670,144

Art Unit: 3736

Filed: 9/23/2003

Examiner: Nguyen, Huong Q.

Title: Method for Measuring of Edema

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an Amendment in response to the Office Action mailed 4/17/07 (identify type of reply):

has been filed previously on 9/17/2007.
 is enclosed herewith.

01/29/2008 CNEGA1 00000007 18670144

B. The issue fee and publication fee (if applicable) of \$ 01 FE+2453 770.00 OP
 has been paid previously on _____
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

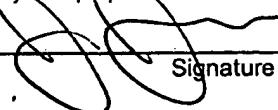
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

	Signature	1/25/2008	Date
Juan Juan		60,564	Registration Number, if applicable
Typed or printed name		203-925-9400	
Harrington & Smith, PC, 4 Research Drive		Telephone Number	
Address			
Shelton, CT 06484-6212			
Address			

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: Request for Continued Examination (RCE)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

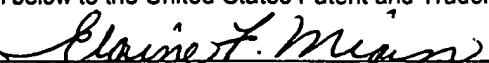
I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

1/25/2008

Date


 Signature
 Elaine F. Mian

Typed or printed name of person signing certificate